

Introduced by Senator Johnson

February 4, 1998

An act to amend Section 1602.5 of the Health and Safety Code, relating to health services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1489, as introduced, Johnson. Health services: production of blood and blood derivatives.

Existing law prohibits any person from engaging in the production of human whole blood or human whole blood derivatives unless the person is licensed under specified provisions of law, and unless the human whole blood or human whole blood derivative is collected, prepared, labeled, and stored in accordance with standards published by the American Association of Blood Banks and regulations adopted by the State Department of Health Services. Existing law authorizes the department to determine, under certain circumstances, that no portion of any amendments or later editions of the standards published by the American Association of Blood Banks shall become effective.

Under existing law, the violation of any of the provisions relating to human whole blood and human whole blood derivatives is a misdemeanor.

This bill would delete (1) the authority of the department to adopt regulations for purposes of these provisions, (2) the requirement that the human whole blood or human whole blood derivatives be collected, prepared, labeled, or stored pursuant to those regulations, and (3) the authority of the department to make determinations regarding the

effectiveness of certain standards. The bill would provide that the standards published by the American Association of Blood Banks shall be the standards for all licensed blood banks and blood transfusion services in the state. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1602.5 of the Health and Safety
2 Code is amended to read:

3 1602.5. ~~(a)~~ No person shall engage in the production
4 of human whole blood or human whole blood derivatives
5 unless the person is licensed under this chapter and the
6 human whole blood or human whole blood derivative is
7 collected, prepared, labeled, and stored in accordance
8 with ~~both of the following~~:

9 ~~(1) The~~ *the* standards set forth in the 13th Edition of
10 “Standards for Blood Banks and Transfusion Services,” as
11 published by the American Association of Blood Banks
12 and in effect on November 15, 1989, or any amendments
13 thereto or later published editions or amendments
14 thereto. *These shall be the standards for all licensed blood*
15 *banks and blood transfusion services in the state.*

16 ~~(2) Those provisions of Title 17 of the California Code~~
17 ~~of Regulations that are continued in effect by subdivision~~
18 ~~(c) or that are adopted pursuant to subdivision (b).~~

19 ~~(b) The department may, by the adoption of~~
20 ~~regulations, establish and require compliance with~~
21 ~~requirements in addition to, or in lieu of, those in~~
22 ~~subdivision (a) as the department deems appropriate to~~

1 ~~reflect changing technology or to improve the safety of~~
2 ~~human whole blood or human whole blood derivatives.~~

3 ~~(e) Until the time superseded by any regulation~~
4 ~~adopted pursuant to this section, all of the provisions of~~
5 ~~Group 1 (commencing with Section 950) of Subchapter~~
6 ~~1 of Chapter 2 of Part 1 of Title 17 of the California Code~~
7 ~~of Regulations shall remain in effect with the exception~~
8 ~~of the following:~~

9 ~~(1) Subdivisions (i) to (k), inclusive, of Section 997.~~

10 ~~(2) Sections 999 and 1001.~~

11 ~~(3) Subdivisions (a) to (e), inclusive, of Section 1002.~~

12 ~~(4) Paragraphs (2) and (3) of subdivision (c) of~~
13 ~~Section 1002.~~

14 ~~(5) Subdivisions (f) and (g) of Section 1002.~~

15 ~~(6) Paragraphs (2) to (6), inclusive, of subdivision (h)~~
16 ~~of Section 1002.~~

17 ~~(7) Subdivisions (i), (k), and (l) of Section 1002.~~

18 ~~(8) Subdivisions (a) to (e), inclusive, of Section 1004.~~

19 ~~(9) Sections 1010, 1012, 1013, 1014, 1024, and 1024.1.~~

20 ~~(10) Subdivisions (a), (b), and (e) of Section 1025.~~

21 ~~(11) Paragraphs (1) to (3), inclusive, of subdivision (c)~~
22 ~~of Section 1025.~~

23 ~~(d) Any amendment to the 13th Edition of "Standards~~
24 ~~for Blood Banks and Transfusion Services," any later~~
25 ~~editions, or any amendments thereto, published by the~~
26 ~~American Association of Blood Banks shall become~~
27 ~~effective in California 90 days after the effective date of~~
28 ~~this section, or 90 days after publication by the association,~~
29 ~~unless the department sends written notice, within such~~
30 ~~a 90-day period, to all persons licensed under this chapter~~
31 ~~to engage in the production of human whole blood or~~
32 ~~human whole blood derivatives, indicating which~~
33 ~~portions shall not become effective.~~

34 ~~The department may determine that no portion of any~~
35 ~~amendments or later editions shall become effective. The~~
36 ~~department shall determine that no portion of an~~
37 ~~amendment or later edition shall become effective~~
38 ~~pursuant to this section whenever the department has not~~
39 ~~received a copy of the amendment or later edition by the~~

1 ~~date it is published by the American Association of Blood~~
2 ~~Banks.~~

3 SEC. 2. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because the only costs that may be incurred
6 by a local agency or school district will be incurred
7 because this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition
11 of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

